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OFFICE OF THE CHIEF ELECTORAL OFFICER
TRIPURA:: AGARTALA.

No.F.19(51)-CEO/CONDT/MCC(Bye-Elec)/2019/20649

Dated, Agartala, the 28th August, 2019.

MEMORANDUM

Subject:-Bye-Elections to fill casual vacancies in Tripura State Legislative Assemblies-Instructions on enforcement of Model Code of Conduct-regarding.

The Election Commission of India has issued a letter with No.437/6/1/ECI/INST/FUNCT/MCC/2019 dated 25th August,2019 along with its enclosures regarding enforcement of the Model Code of Conduct and its application in connection with Bye-Election to 14-Badharghat (SC) Assembly Constituency.

The Commission also issued another letter with same No.437/6/1/ECI/INST/FUNCT/MCC/2019 dated 25th August,2019 regarding release of fund under MPs'/ MLAs' Local Area Development Scheme.

A copy of each of the instructions is enclosed herewith for favour your kind information and doing the needful please.

Yours faithfully,

Enclo:-As stated.


(U.28/10/19)
Addl. Chief Electoral Officer,
Tripura.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/ECI/INST/FUNCT/MCC/2019

Dated: 25th August, 2019

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretary to the Government of:-
 - a) Chhattisgarh, Raipur;
 - b) Kerala, Thiruvananthapuram;
 - c) Tripura, Agartala;
 - d) Uttar Pradesh, Lucknow.
3. The Chief Electoral Officer of:-
 - a) Chhattisgarh, Raipur;
 - b) Kerala, Thiruvananthapuram;
 - c) Tripura, Agartala;
 - d) Uttar Pradesh, Lucknow.

Subject:- Bye-election to fill casual vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh – instructions on enforcement of Model Code of Conduct- regarding.

Sir,

I am directed to state that the Commission has announced, vide Press Note No. ECI/PN/77/2019, dated 25th August, 2019, schedule for bye-election to fill casual vacancies from the following Assembly Constituencies in the States of Chhattisgarh, Kerala, Tripura and Uttar Pradesh:-

Name of the State	Name & No. of Constituency
Chhattisgarh	88- Dantewada (ST) Assembly Constituency
Kerala	93- Pala Assembly Constituency
Tripura	14- Badharghat (SC) Assembly Constituency
Uttar Pradesh	228- Hamirpur Assembly Constituency

2. The provisions of the Model Code of Conduct have come into force with immediate effect in the district(s) in which the whole or any part of the

Tripura Gazette, Extraordinary Issue, September 3, 2019 A. D.

Parliamentary/Assembly Constituency going for bye-election is comprised, subject to partial modification as issued by Commission vide its letters No. 437/6/INST/2016-CCS dated 29th June, 2017 and No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18th January, 2018 (copies enclosed).

3. This may be brought to the notice of all concerned.

Yours faithfully,



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/ECI/INST/FUNCT/MCC/2019

Dated: 25th August, 2019

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Secretary to the Government of India,
Department of Programme Implementation,
Sardar Patel Bhawan,
New Delhi.
3. The Chief Secretary to the Government of
a) Chhattisgarh, Raipur;
b) Kerala, Thiruvananthapuram;
c) Tripura, Agartala;
d) Uttar Pradesh, Lucknow.
4. The Chief Electoral Officer of
a) Chhattisgarh, Raipur;
b) Kerala, Thiruvananthapuram;
c) Tripura, Agartala;
d) Uttar Pradesh, Lucknow.

Subject: - Bye-Election-Release of funds under MPs'/MLAs' Local Area Development Scheme.

Sir,

I am directed to refer to the Commission's Press Note, dated 25th August, 2019 (available at ECI's web-site:- "<https://eci.gov.in/>"), announcing schedule for bye-elections to fill casual vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh and to state that with this announcement of bye-election, the provisions of Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect.

2. The matters relating to the release of funds under the Member of Parliament Local Area Development Schemes shall be dealt with in pursuance of the Commission's letter No. 437/6/INST/2016-CCS dated 29th June, 2017, regarding enforcement of Model Code of Conduct during bye-election, which inter-alia provides that-

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the district(s) in which the Assembly/Parliamentary Constituency is situated where election is in progress, till the completion of election process. In case the constituency is comprised in the State Capital/Metropolitan Cities/Municipal Corporations, the aforesaid instructions shall be applicable in the area of concerned Constituency only. Similarly no fresh release of funds under the MLAs'/ MLCS' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start, in respect of which, work orders may have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- d) Where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY

भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No. 437/6/INST/2016-CCS

Dated: 29th June, 2017

To,

1. The Chief Electoral Officers of all States and Union Territories.
2. The Chief Secretaries of all States and Union Territories.
3. Recognized political parties of all States/UTs

Subject:- Model Code of Conduct- instructions- bye-election of Parliamentary/Assembly Constituency -regarding.

Sir,

On the above cited subject, I am directed to state that the Commission has reviewed the issue and has issued the following modifications of its earlier instructions:-

1. Enforcement of MCC

The Commission's instructions, contained in letters No. 437/6/INST/2012/CC&BE dated 26.04.2012 and No. 437/6/INST/2012/CC&BE dated 21.10.2013, list various provisions of applicability of MCC to the concerned district or the AC/PC concerned. These instructions are modified to the extent that in case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then aforesaid instructions would be applicable in the area of concerned Constituency only. In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).

2. Publishing of Advertisements

The Commission on 25th June, 2013, directed that the release /publishing of advertisements during the period of operation of Model Code of Conduct in connection with bye-elections would be regulated as follows:-

- (i) Advertisement of general nature in connection with specific occasions of importance may be published. However, such publishing shall be restricted to the dates coinciding with the special occasion only, and it shall not be published on other days. The advertisement shall not bear photographs of any Minister and other political functionaries.
- (ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released/published on any date during the period.

Further, it is clarified that no new schemes should be advertised in the districts where the bye-election is being conducted. [Subpara (ii) above stands modified].

3. Tours of Ministers

During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions are applicable as per instruction issued by the Commission on 23rd November, 2007 with regard to the tours of Ministers which inter alia provides that:-

- (i) All Ministers, whether Central or State, shall not combine in any manner their official tours with election work after the announcement of the bye elections. All and any visits to the district(s) where bye-election is being held and where Model Code of Conduct is, therefore, in force, have to be completely private in nature.
- (ii) In case where a Minister travelling on official work transits through the district(s) where the bye-election is being held en route to any other district on official visit, he shall not attend to any political work.

Further, it is clarified that the Ministers or persons holding equivalent rank/status cannot combine their official visit with campaign by en routing their journey for official purposes to a place where MCC is not in force and then proceeding from that place to the area where MCC is in force for election campaign. In case it is done, the entire journey expense shall be treated as election expense. [subpara (ii) above stands modified].

4. Regarding Transfer/Posting of Officers

For all officers, who are connected with the conduct of bye-election in the State, the existing ECI's instructions on implementation of transfer policy be applied within the area falling under the concerned AC/PC. While implementing this policy the DEO/RO should take care that in case of deployment of any officer from outside the constituency for any election related duty, shall also conform to the transfer policy of the Commission.

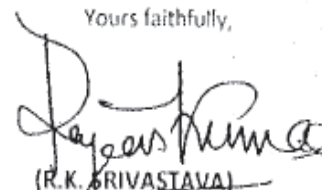
5. Regarding Announcement of D.A.

There is no ECI's instruction in the context of bye-election prohibiting State Governments to take decisions which have State wide effect and consequently in the Constituency concerned.

The Commission, after taking into consideration all relevant factors in this regards, has decided that announcement of D.A. by the state government may be done as a routine affair but it should not be publicized as the Government's achievement.

Kindly inform all concerned and give due publicity and ensure compliance in letter and spirit.

Yours faithfully,


(R.K. PRIVASTAVA)
SR. PB. SECRETARY

Tripura Gazette, Extraordinary Issue, September 3, 2019 A. D.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017/235-270

Dated, Agartala, the 18th January, 2018.

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: -Clarification regarding enforcement of MCC during bye-election - regarding.

Sir,

I am directed to refer to the Commission's letter No. 437/6/INST/2016-CCS dated 29th June, 2017 regarding application of Model Code of Conduct wherein it has been stated that in case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then MCC instructions would be applicable in the area of concerned Constituency only. In all other cases aforesaid instructions would be enforced in the entire district(s) covering the Constituency going for bye-election(s). (Copy enclosed for ready reference)

In this connection, a clarification was sought for by Returning Officer, Ajmer Parliamentary Constituency in Rajasthan, whether the MCC was to be enforced in the entire district of Jaipur or only in the Dudu Assembly segment of Jaipur District during the ensuing bye-election to Ajmer Parliamentary Constituency since Jaipur district has in it state capital, municipal corporation, metropolitan city as well as rural area. The Commission considered the matter and clarified that in order to avoid dislocation/disturbance of normal administrative work in Jaipur District, MCC would be enforced only in Dudu Assembly segment of Jaipur district.

Now, the Commission has decided that above direction shall be applied in all future bye-elections in the Country involving State Capital/Metropolitan Cities/Municipal Corporations. Accordingly, any district in which Corporation/ Metro/Municipal Corporation is located, MCC would be enforced in the particular Assembly Constituency Segment only and not in the whole of the district.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY